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JB

Fletcher R. H.  
Executive Director

September 11, 2002

Docket No. 02N-0278  
Dockets Management Branch (HFA-305)  
Food and Drug Administration  
5630 Fishers Lane, Room 1061  
Rockville, Maryland 20852

**Public Health Security and Bioterrorism  
Preparedness and Response Act of 2002**

To Whom It May Concern:

The Agricultural Transporters Conference of American Trucking Associations is a national organization, which represents the interests of the commercial transporters of agricultural commodities and farm supplies.

The Agricultural Transporters Conference has the following concerns regarding:

**Section 307. Prior Notice of Imported Food Shipments.** For motor carriers, including commercial agricultural transporters, the prior notice proposal of "No less than 8 hours and no more than five days" at ports and borders could present significant problems. The regulation will need to identify which entity in the transaction – importer, or shipper of commercial transporter (carrier) - will be responsible for fulfilling this requirement.

It is important to note that in negotiations with U.S. Customs, that agency has indicated its willingness to accept manifest data from motor carriers up to 15 minutes before a truck enters the border compound, claiming that using an electronic manifest with a risk assessment algorithm allows the agency to process information rapidly and make a decision whether or not a load needs to be sent to a secondary site for inspection. This is clearly an area where FDA needs to become more familiar with the U.S. Customs Automated Commercial Environment (ACE) and the International Trade Data System (ITDS). If carriers are asked to file what is essentially manifest information with FDA – shipper, consignee, quantity, and product description – there is no reason to re-invent the wheel. This information can be easily passed on through the ITDS one-window collection system. FDA staff and agency attorneys need to investigate these possibilities before a final rule is promulgated.

As background, U.S. Customs is working to have President Bush issue an Executive Order mandating that all border agencies involved in collection data must participate in ITDS. It is important that FDA participates in the ITDS system. Also, requiring 8 hours

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notice for the arrival of food shipments at the border would create a very serious security problem with trucks sitting on the side of the road waiting for the time they can cross – a prescription for mischief, especially at the southern border. Our suggestion to the agency for this provision is that FDA look carefully at the operating practices and requirements of each transportation mode and not make a regulation where “one size fits all.”

The Agricultural Transporters Conference of American Trucking Associations remains ready and available to assist with the development of a satisfactory, effective, and nonduplicative rulemaking regarding the Public Health Security and Bioterrorism Preparedness and Response Act of 2002.

Sincerely,



Fletcher R. Hall